

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA (Wilkes-Barre)**

IN RE: DANIELLE YVETTE DAVIES fka Danielle Y Hanna fka Danielle Yvette Hanna Debtor	Case No. 5:23-bk-01194-MJC
Freedom Mortgage Corporation, Movant	Chapter 7
vs. DANIELLE YVETTE DAVIES fka Danielle Y Hanna fka Danielle Yvette Hanna And John J Martin, ESQUIRE (TRUSTEE) Respondents	11 U.S.C. §362

**MOTION FOR RELIEF FROM AUTOMATIC STAY UNDER §362 PURSUANT TO
BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, Brock and Scott PLLC, hereby requests a termination of Automatic Stay and leave to proceed with its state court rights on its mortgage on real property owned by Danielle Yvette Davies.

1. Movant is Freedom Mortgage Corporation.
2. Debtor, Danielle Yvette Davies, is/are the owner(s) of the premises located at 419 May St, Mayfield, Pennsylvania 18433 hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note results in a lack of adequate protection.
5. As of June 1, 2023, the principal balance owed on the loan is \$114,349.40.
6. Interest in the amount of \$1,850.29 has accrued since the application of the last payment received from the Debtor.
7. As of June 1, 2023, the payoff on the mortgage is \$118,389.4.

8. The following chart sets forth the number and amount of payments due pursuant to the terms of the Note that have been missed as of June 1, 2023:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Delinquent
5	February 1, 2023	June 1, 2023	\$832.51	\$4,162.55
Less partial payments (suspense balance): (\$0.00)				
Total: <u>\$4,162.55</u>				

9. As of June 1, 2023, the amount necessary to reinstate the account is \$4,162.55.
10. According to Debtor's Statement of Intent, Debtor intends to retain the property.
11. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.
12. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.
13. Respondent, John J Martin is the Trustee appointed by the Honorable Court.
14. Rule 4001 (a)(3) should not be applicable and Movant should be allowed to immediately enforce and implement the Order granting relief from the automatic stay.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to 419 MAY ST, Mayfield, Pennsylvania 18433 (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Holding that due to Debtor's continuing failure to tender contractual mortgage payments and the resulting and ever increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(3), and that Movant, its successors or assignees, should be allowed to immediately enforce and implement the Order granting relief from the automatic stay; and

d. Granting any other relief that this Court deems equitable and just.

This is the 16th day of June, 2023.

/s/Mario Hanyon

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